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EXAMINER

ADAMS, GREGORY W

ART UNIT

PAPER NUMBER

3652

NOTIFICATION DATE

DELIVERY MODE

01/25/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 5, 7 & 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced, e.g. it doesn't begin a step with "providing" or "using" or some other **-ing** ending word that provides the active step. (Emphasis added.) Applicant is respectfully reminded that to be entitled to patentable weight in method claims, the structural limitations recited therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure. See *Ex parte Pfeiffer*, 135 USPQ 31 (1961). Thus, the claims amount to the mere claiming of a use of a particular structure.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-6, 8-9, 11-13 & 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusano (JP 2003-252448) (previously cited) in view of Harding (US 724,859), Franke (aka Weis et al.) (DE 20309047 U1) (previously cited; see US

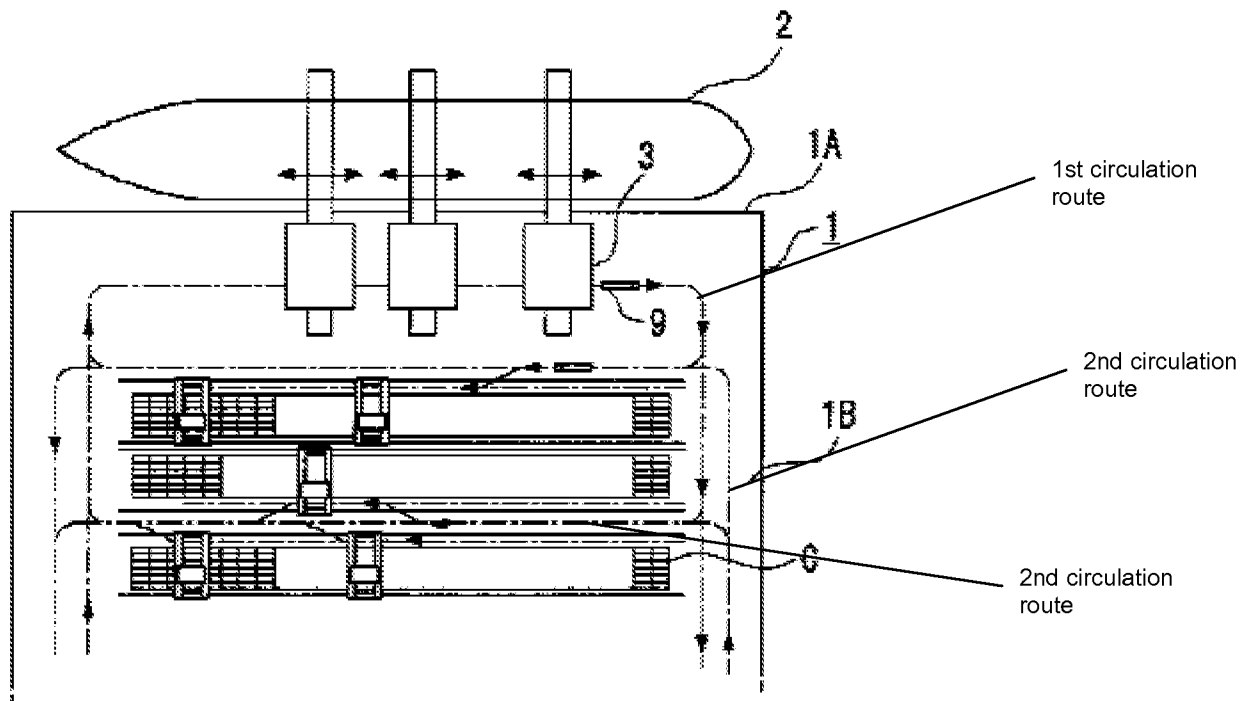
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2006/0243693 A1 for translation) and Grodzins (US 5,910,973) (previously cited).

Kusano discloses a container cargo handling method comprising:

- moving a container on an automated guided vehicle 10 in circulation along a first circulation route (see FIG. 11 reproduced below) that is in a quay area 1a, 3 where a container ship 2 anchors and where a container is transferred to/from a ship;
- subjecting a container to inspection (FIG. 8) while a container is moving in circulation along a first circulation route in a quay area; and
- moving a container in circulation along a second circulation route (see FIG. 11 reproduced below) between a quay area and a container stack yard C where a container is stored, wherein a container is moved from a quay area to a container stack yard C after subjecting a container to a inspection in a quay area.

【図 1 1】



Kusano does not disclose a first circulation route only in a quay area. Harding discloses electric carriers that traverse overhead tracks on docks and warehouses. Although disclosed differently electric carriers which run on tracks are vehicles, merely lacking automatic guidance. Harding discloses that "A represents the track system for loading or unloading steamers [e.g. vessels] or other vessels. The main track on which the telfer [e.g. vehicle] travels is indicated at a." P1/L28-34. Thus, "A" represents a quay area and "a" a first circulation route upon which vehicles traverse in loading/unloading ships. Harding discloses moving a container on a guided vehicle in circulation along a first circulation route a that is only in a quay area A where a ship anchors and where a

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container is transferred to/from a ship, as per the teachings of Harding, such that "loading and unloading may be carrier on rapidly with the least possible labor and with but a single handling of the goods." P1/L50.

Franke discloses that container cargo is subjected to radiation inspection in a quay area which is particularly useful in harbors where containers are loaded into and unloaded from ships where a large number of containers is supposed to be loaded and unloaded quickly. Paras. [0001-0008]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus and method of Kusano to scan in a quay area, as per the teachings of Franke, to minimize ship docking time.

Grodzins discloses subjecting container cargo to radiation inspection 1, 3-5 and further discloses that "Container 6 may be self-propelled through beam 4 or may be pulled by a mechanized tractor, or by a conveyor of any sort." C2/L45. Finally, Grodzins discloses that radiation inspection "can be rapidly deployed in any location to inspect moving vehicles of any size to determine if their cargo container contains objects larger or heavier than a predetermined minimum." C2/L58. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus and method of Kusano to radiation inspect containers while carried by AGVs, e.g. self-propelled containers, because Grodzins' system is automatic, locatable anywhere along a container supply chain, i.e. portable, requires little power, are safe to humans and is able to handle small and very large vehicles or freight cars. C4/L40.

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Franke discloses disadvantages of ground-based radiation inspection systems including (1) a separate reloading or transport process is required and (2) a corresponding shield to protect drivers or persons. Grodzins' ground-based system scans self-propelled vehicles such as Kusano's negating this disadvantage and further utilizes low power radiation means which are not harmful to humans. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus and method of Kusano to combine Franke's teaching of quay area radiation inspection with Grodzins' radiation inspection of AGV carried containers to achieve the predictable result of improving container throughput at a shipping port.

Claims 10 & 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusano in view of Harding, Franke and Grodzins and further in view of Okubo (JP 09-156769 A) (previously cited). Kusano discloses a container transfer means that transfers containers between AGVs and storage stacks. Okubo discloses a container transferred between an automated guided vehicle 8 moving in circulation and a truck chassis 9 using a container transfer means 7. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus and method of Kusano to include a container transfer means that transfers containers between an AGV and truck chassis, as per the teachings of Okubo, "o smoothly and safely convey containers in a container terminal."

Allowable Subject Matter

Claims 3, 7 & 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. For example rewrite "the container is transferred" in claim 3, line 2 as --transferring the container--; rewrite "wherein the container is moved" in claim 7, line 2 as --wherein moving the container--.

Claims 14, 16 & 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed Dec. 31, 2009 with respect to the June 21, 2009 restriction requirement have been fully considered but they are not persuasive. The restriction requirement was predicated on unity of invention which was addressed in the Sept. 3, 2009 office action; the restriction requirement was made final. Applicants next response should cancel non-elected species else it will be held nonresponsive.

Applicant's arguments with respect to claims 1, 4, 6, 8, 12 & 15 with respect to a circulation route that is "only in a quay area" have been considered but are moot in view of the new ground(s) of rejection. Harding discloses a circulation route "a" that is only in a quay area A.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY W. ADAMS whose telephone number is (571)272-8101. The examiner can normally be reached on M-Th, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on (571) 272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory W Adams/
Primary Examiner, Art Unit 3652